

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America )

v. )

Marcus D. Wheeler )

Case No: 8:07CR356

USM No: 21911-047

Date of Previous Judgment: 12/10/2008 )

David R. Stickman

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 66 Months months is reduced to 60 Months .

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 24

Amended Offense Level: 22

Criminal History Category: III

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Previous Guideline Range: 60 to 71 months

Amended Guideline Range: 60 to months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

## III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 12/10/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: 12/19/2011

s/Joseph F. Bataillon

Judge's signature

Effective Date: 12/19/2011

(if different from order date)

Joseph F. Bataillon, U.S. District Judge

Printed name and title